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Letter dated 23 August 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my previous letters transmitting to the President of the Security Council the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the sixteenth report of the Tripartite Monitoring Group, covering the period from 1 to 31 July 2005 (see annex).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Implementation of the Accra III Agreement

Sixteenth report of the Tripartite Monitoring Group

Covering the period from 1 to 31 July 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement, now extended into the recent Pretoria Agreement and Declaration. This sixteenth report covers major developments between 1 and 31 July 2005.

II. Overview

2. The period under review saw a deterioration in the political climate in Côte d'Ivoire as the optimism born out of the publication of the Pretoria Declaration gave way to greater caution following the recurrence of incidents of armed confrontation in the immediate environs of Abidjan, in particular Anyama and Agboville on 23 and 24 July. Ivorian political parties of all sides and the United Nations Operation in Côte d'Ivoire (UNOCI) made calls in the immediate aftermath for a full enquiry to ascertain the facts surrounding these events. However, tensions have risen noticeably in the Abidjan area with eruptions of public disorder involving the Young Patriots movement. President Gbagbo using the extraordinary powers in Article 48 of the Constitution promulgated the six laws under the Linas-Marcoussis Agreement. This the G-7 opposition parties for their part have rejected in part particularly in relation to the Independent Electoral Commission (CEI) and the Special Law on Naturalization, and have appealed to the Mediator arguing that the amendments are not in total conformity with the recommendations of the Pretoria Agreement. In light of these reservations, it is improbable that the CEI will begin its activities in the immediate future even as the deadline of end of July as set out by the Pretoria Declaration passes. The link having been made in section 3 of the Pretoria Declaration preconditioning the effective commencement of disarmament, demobilization and reintegration (DDR) with the adoption of the laws concerning naturalization and identification, the peace process is once again stalling because of the entrenched positions adopted by the parties to the conflict in Côte d'Ivoire.

III. Developments in the peace process

3. Ivorians generally hailed the Pretoria Declaration as being a last chance for ensuring that the constitutionally mandated deadline for elections of 30 October 2005 is attained. The declaration set out six areas in which actions were to be taken. These were:

(a) The immediate disarmament and disbanding of all militias to be completed by 20 August 2005;

(b) The establishment of a new timetable for the DDR process by 7 July 2005;

(c) The promulgation of all remaining Linas-Marcoussis Agreement-related laws by 15 July 2005 found by the Mediator to be contrary to the letter and spirit of the Linas-Marcoussis Agreement;

(d) The training of 600 auxiliary police officers from among the ranks of the Forces Nouvelles by UNOCI;

(e) The continued preparation of the pre-cantonment DDR-related exercise including the rehabilitation of cantonment sites for ex-combatants, the sensitization of the population and pre-regroupment activities;

(f) The provision of security for the Secretary-General of the Forces Nouvelles and the aspiring Presidential candidates of the opposition to allow them to return to Côte d'Ivoire.

4. As mandated, the Chiefs of Staff of the Forces de Defence et de Sécurité (FDS) and of the Forces Armées des Forces Nouvelles (FAFN) met in Yamoussoukro on 7 July 2005 to agree and establish a new time frame for the DDR process. The agreement was concluded on 9 July 2005. Under the terms of the tight revised time frame signed by the two forces, the regroupment of ex-combatants was set to begin on 31 July and actual disarmament scheduled to begin on 28 September, to be completed by mid-October 2005. As regards the measures required to be taken by UNOCI to ensure the security of the Secretary-General of the Forces Nouvelles and the other presidential candidates to enable their return to Côte d'Ivoire, the parties to the Pretoria Declaration recognized that these have been met. However, a couple of the ministers of the Forces Nouvelles have yet to return to their respective posts in the Government of National Reconciliation.

Legislative amendments

5. President Gbagbo signed into law all the six laws stemming from the Linas-Marcoussis Agreement identified by the Mediator as needing to be brought into conformity with the Linas-Marcoussis Agreement on 15 July 2005. Recognizing the existing deadlock in the National Assembly in which the Front Populaire Ivoirien (FPI) parliamentarians maintained their refusal to participate in any debates concerning laws stemming from the Linas-Marcoussis until such time as Prime Minister Seydou Elimane Diarra had given the Assembly an account of his stewardship of the Government of National Reconciliation, the Mediator urged President Gbagbo to make use again of the extraordinary powers contained in Article 48 of the Ivorian Constitution, and promulgate these laws.

6. On 15 July in compliance with the request of the Mediator, and in adherence to the schedule contained in the Pretoria Declaration, President Gbagbo in an address to the nation invoked the powers conferred on him by Article 48 and promulgated the remaining Linas-Marcoussis laws, with a proviso that they be published according to the emergency procedures of publication. These were the Citizenship (Nationality) Code, the Law on the Special Provisions for Naturalization, the Law on the Identification of Persons and Regulation of Aliens (Foreigners) in

Côte d'Ivoire, the Law on the Independent Electoral Commission (CEI), the Law on the Financing of Political Parties, and the Law on the National Human Rights Commission. In the letter addressed to the signatories of the Pretoria Agreement prior to the presidential fiat, the Mediator had advised the parties to the Ivorian crisis that the decrees regarding the Ivorian Radio and Television (RTI) having been signed and implemented by the President, there was no longer a need for the passage of the law proposed for the RTI.

7. The passage of the remaining laws by this means was not universally accepted by the opposition groups of the G-7. Indeed, the Forces Nouvelles (FN) in an open letter to the Mediator expressed their strong reservations over the further recourse to the use of the extraordinary powers of article 48, which the President had used in June to authorize the candidacy of Mr. Alassane Ouatarra for the scheduled Presidential elections of October 2005. Immediately following the address by the President, there was much debate as to the contents of the actual laws promulgated, as there was some delay in making public the actual texts. Since that date, the opposition parties of the G-7 led by the Parti Démocratique de Côte d'Ivoire (PDCI) and the Rassemblement des Républicains (RDR) have appealed to the Mediator expressing their dissatisfaction with certain aspects of the laws adopted and in particular aspects of the Law on the Special Provisions for Naturalization, and the Law on the Independent Electoral Commission (CEI), which they claim are not in conformity with the recommendations of the Pretoria Agreement. Notwithstanding the political debate concerning the actual texts of the laws promulgated by President Gbagbo, the various political parties continued to galvanize their support base in anticipation of the upcoming elections amid vitriolic accusations levelled against each other in what is a highly contested electoral race.

Recurrence of violence

8. It was in this atmosphere of heated political exchange that on the night of 23/24 June, groups of armed men reportedly attacked the gendarmerie station at Anyama and Agboville killing 4 members of the FDS. The FDS confronted these armed men further north in the environs of the townships of Bongouanou and Dimbokro. By the evening of 24 June, the FDS had regained control of these localities, all well within the Government controlled area. According to FDS statements, these clashes resulted in some 20 dead and 19 captured individuals. The motive for their attack remains unclear, as are also the persons who ordered the attacks. The Forces Nouvelles have denied any links with the incidents.

9. These incidents did not fail to poison the already heated political atmosphere. The Young Patriots movement, loyal to President Gbagbo, announced that they would disrupt and halt any attempt by the G-7 group to hold meetings of any kind within the Government controlled zone. They proceeded briefly to lay siege to the national television station (RTI), and some opposition offices in the city of Abidjan. The Government of National Reconciliation (GNR) and a number of civil society groups have roundly decried these statements and consequent actions. The GNR has reiterated the ban on marches and street protests still in effect in the Government controlled zone. Security forces were deployed to quell public disturbances in Abidjan when an attempt was made by the Young Patriots to stop opposition groups from meeting.

10. UNOCI has also had difficulties in the immediate aftermath of the incidents in Agboville, Anyama and Azaguie, with some local inhabitants of the areas preventing them from visiting the localities affected amid queries as to why the local populations were not protected from attack. This situation was addressed and Impartial Forces have now been deployed to the said localities. In the aftermath of these events, the political forces have continued to trade accusations of complicity in these incidents. The FPI immediately accused the Forces Nouvelles and a certain number of politicians by name of instigating this attack, which has contributed to the rise in tension in Abidjan. Calls have however been made by UNOCI and the various political groups in the country for a full enquiry into the incidents, although the UNOCI Force Commander is reported to have found no evidence of significant combat operations in the towns affected.

Forces Nouvelles zone

11. In the Forces Nouvelles controlled areas, the period under review also saw reports of a clash of arms between elements of the FN and the security forces of Guinea on 12 July reportedly resulting in at least 12 dead in the FN ranks. It was reported in those incidents that certain elements of the FN had crossed into Guinea and were driven out by the Guinean authorities.

12. On 20 July after almost 4 months outside the country, the Secretary-General of the Forces Nouvelles Guillaume Soro returned to Bouake. He proceeded to promote several members of the FAFN including the Chief of Staff Soumaïla Bakayoko and Michel Geu, Minister of Youth and Sports in the Government of National Reconciliation, together with a number of zone commanders. Notwithstanding the return to Bouake of Mr Soro and of the measures being taken by the impartial forces to ensure the security of FN ministers in Government controlled areas, a number of FN ministers have, as yet, not returned to the Government as was expected from the Pretoria Declaration.

Security of areas under control of the Forces Nouvelles during the DDR process

13. This issue continues to hinge on the training of some 600 security auxiliaries drawn from within the ranks of the FN. The programme including identification of trainees and the mode of training has been elaborated under the auspices of mediation and UNOCI.

The Mbeki Facilitation Mission

14. With the increasing deterioration in the security and political situation in the country, the Mbeki Facilitation Mission negotiated peace process is again in danger of stalling, notwithstanding the significant accomplishments made by the efforts of the Mediator to have progress made in the implementation of the terms of the Pretoria Agreement and the ensuing Pretoria Declaration. It is worthy of note that despite the ominous tenor of the Declaration providing for sanctions against "...those parties who fail to implement the Pretoria agreements and block the peace process", this firm message does not appear to be having the effect expected in certain quarters among the political actors. However, the adoption of a timetable for the DDR, and the promulgation of the remaining Linas-Marcoussis laws, although challenged, still hold out

some possibility and feasibility of holding elections by the constitutionally stipulated deadline of October 2005. However, it now remains to be seen whether the DDR will effectively commence as scheduled, given the developments on the ground in the last week of July. Any gloomy prospects for the elections will stem from the failure in keeping to the new time frames, especially those related to the dismantling of the militias and the DDR.

Disarmament and dismantling of militias

15. In the Pretoria Agreement, responsibility for the disarming and dismantling of all militias throughout the national territory was placed under the Prime Minister of the Government of National Reconciliation The work of the Troika mechanism after consultations on this programme has been proceeding at various other levels although delays have been reported, as some of the militias have demanded further assurances of being subsequently integrated in the National DDR Programme (PNDDR). This has raised serious doubts as to the implementation of this programme.

Electoral process

16. The official political parties have continued to mobilize their support base and constituents for the upcoming elections. Campaign rallies are daily events in and around Abidjan and other areas within government-controlled territory. With the imminent arrival at post of Mr. Antonio V. Monteiro of Portugal, the United Nations Secretary-General's Representative for Elections, it is hoped that the involvement and supervision of the United Nations in the work of the Independent Electoral Commission (CEI) and that of the Constitutional Council would help determine the course of the electoral process.

Human rights

17. The human rights situation in Côte d'Ivoire has seen no notable improvement and remains a cause of grave concern. Reports of violations of human rights throughout the country both in government-controlled areas and in Forces Nouvelles areas continue to be received. This was particularly highlighted on the occasion of the visit to Côte d'Ivoire of Mrs Louise Arbour, the United Nations High Commissioner for Human Rights. She was at pains to express her determination and that of the international community in taking appropriate action to bring to book all who are identified as having violated human rights in Côte d'Ivoire. Impunity, she stressed, could not give shelter to anyone irrespective of his or her authority or of his or her individuality.

Humanitarian assistance, economic recovery and reconstruction

18. The Government in Abidjan continues to bemoan the adverse consequences of the crisis on the Ivorian economy. The Minister for Finance and Planning on 27 July estimated that the country could nevertheless attain a year on year growth of 1%, provided that inflation is kept in check. In terms of humanitarian assistance, the various humanitarian agencies and institutions continue to

work to assist displaced persons. It is reported that that amid growing fears of insecurity, up to 5000 Liberians refugees have left the country.

IV. Conclusion

19. With the elections now less than three months away, the situation in Côte d'Ivoire remains volatile. Serious obstacles still impede the path to those elections, as it is now doubtful whether the disarmament calendar will be adhered to, given the fresh controversy over the laws promulgated by President Gbagbo and the reaction of the Forces Nouvelles.

20. The peace brokers must put greater pressure on all the political actors in Côte d'Ivoire to rally them around to save their nation from a conceivable catastrophe through the inevitable chaos that will follow, if the Presidential elections miss the constitutional deadline of October 2005.

Signed on behalf of the Group
Ambassador Raph Uwechue
Chairman
31 July 2005